

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WESTERN FLEMING COUNTY WATER DISTRICT)
)

ALLEGED VIOLATIONS OF COMMISSION)
REGULATIONS 807 KAR 5:006 AND)
807 KAR 5:066)
)
)
)
)
)

CASE NO. 93-173

ORDER TO SHOW CAUSE

Western Fleming County Water District ("Western Fleming"), a water district formed pursuant to the provisions of KRS Chapter 74, owns and operates facilities used for the distribution and furnishing of water to the public for compensation in Fleming, Mason, and Robertson counties, Kentucky, and is therefore a utility subject to Commission jurisdiction. KRS 278.010(3)(d); KRS 278.015.

KRS 278.280 authorizes the Commission to prescribe rules for performance of any service furnished or supplied by a utility. Pursuant to this authority, the Commission has promulgated Commission Regulation 807 KAR 5:006, which establishes general rules for all utility operations, and Commission Regulation 807 KAR 5:066, which establishes general rules for the operation of water utilities.

On August 28, 1992, Commission Staff inspected Western Fleming's records and facilities for compliance with Commission regulations. In its report of this inspection, which is appended

hereto, Commission Staff listed 16 instances where the utility failed to comply with Commission regulations.

Having reviewed the report of this inspection and being otherwise sufficiently advised, the Commission finds that a prima facie showing has been made that Western Fleming is in violation of Commission Regulations 807 KAR 5:006 and 807 KAR 5:066.

The Commission, on its own motion, HEREBY ORDERS that:

1. Western Fleming shall appear before the Commission on July 22, 1993, at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of presenting evidence concerning the alleged violations of Commission Regulations 807 KAR 5:006 and 807 KAR 5:066, and of showing cause why it should not be subject to the penalties prescribed in KRS 278.990(1) for these alleged violations.

2. Western Fleming shall submit to the Commission, within 20 days of the date of this Order, a written response to the allegations contained herein and to the contents of the Inspection Report.

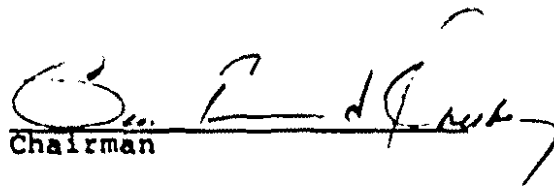
3. The Utility Inspection Report of September 1, 1992, a copy of which is appended hereto, is made part of the record of this proceeding.

4. Any motion requesting an informal conference with Commission Staff to consider the simplification of issues or any other matters which may aid in the handling or disposition of this


proceeding shall be filed with the Commission no later than 20 days from the date of this Order.

Done at Frankfort, Kentucky, this 11th day of May, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 93-173 DATED MAY 11, 1993

Commonwealth of Kentucky
Public Service Commission

UTILITY INSPECTION REPORT

Western Fleming County Water District
Ewing, Kentucky

Utility operations, utility maintenance, utility management and their effect on utility services are a primary concern of the Commission and this Division. Our ongoing inspection program is an expression of this concern. During each inspection, I am stressing: (1) the importance of periodic testing of customers' meters, (2) the importance of accounting for all water purchased and/or produced, (3) the need for surveillance of system operations and (4) the significance of good operating records.

The subject inspection was made August 28, 1992. The utility consists of a treatment plant facility and distribution system operating in Fleming, Mason and Robertson Counties, Kentucky. It has approximately 953 customers on its system. The utility representative providing information and assistance during this inspection were Billy Ed Hunter and Johnny Gulley of the District.

The District's facility operations and its office procedures were reviewed for compliance with the Kentucky Revised Statutes (KRS 278) and the Public Service Commission Regulations (807 KAR).

The following deficiencies were noted:

1. The utility is not filing the periodic ("Quarterly") meter report with the Commission as required in accordance with 807 KAR 5:006, Section 3(2).
2. The utility is not keeping a record of all written complaints concerning utility service as required in 807 KAR 5:006, Section 9.

3. The utility is not maintaining a telephone number to permit all customers to contact the utility as required in 807 KAR 5:006, Section 13(1a).
4. The utility is not posting and maintaining regular business hours nor providing representatives available to assist its customers pursuant to 807 KAR 5:006, Section 13(1).
5. The utility is having its testing of meters performed by an agency approved by the Commission for such purpose. The utility has not notified the Commission of said arrangement pursuant to 807 KAR 5:006, Section 16(2).
6. The utility is not maintaining any meter history cards as required by 807 KAR 5:006, Section 17(2).
7. The utility's meter test card information does not contain all required data pursuant to 807 KAR 5:006, Section 17(1).
8. The utility's employees do not wear any distinguishing uniform or other insignia, identifying them as an employee of the utility as required by 807 KAR 5:006, Section 19.
9. The utility has not adopted an inspection procedure to assure safe and adequate operation of its facilities as required in 807 KAR 5:006, Section 25(1).
10. The utility does not have a safety program outlined on performance of work, safety methods, occupational hazards and artificial respiration as specified in 807 KAR 5:006, Section 24.
11. The utility has areas in its system where the customer's service pressure falls below the 30 psig minimum pressure required by 807 KAR 5:066, Section 5(1).

12. The utility is not maintaining a recording pressure gauge in continuous service a minimum of one (1) week per month at a representative point on the utility's mains as required by 807 KAR 5:066, Section 5(2).
13. The utility is not performing nor keeping records of annual pressure surveys as specified by 807 KAR 5:066, Section 5(3).
14. The utility is not flushing dead end mains at least once each year or more often if necessary to maintain the quality of the water as required by 807 KAR 5:066, Section 8(2).
15. The utility is not inspecting customer's lines nor is it substituting an inspection by an appropriate state or local plumbing inspector as specified in 807 KAR 5:066, Section 9(3).
16. The utility has not filed a water shortage response plan with the Commission pursuant to 807 KAR 5:066, Section 17.

Recommendations

A written response should be prepared and forwarded to the Public Service Commission within 30 days of the date of receipt of this report. This response should say what has been done or what will be done to correct each noted deficiency. A starting date and a completion date should be given for actions that are to be accomplished after the date the response is mailed.

Submitted,
September 1, 1992


K. Michael Newton (15)
Utility Investigator